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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,819	03/24/2004	Brian A. Brown	BR-0401	4338
36088	7590	10/26/2004	EXAMINER	
KANG LIM 3494 CAMINO TASSAJARA ROAD #436 DANVILLE, CA 94306			REESE, DAVID C	
			ART UNIT	PAPER NUMBER

3677

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/807,819

Applicant(s)

BROWN ET AL.

Examiner

David C. Reese

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of Claims*

[1] Claims 1-32 are pending.

### *Claim Rejections - 35 USC § 102*

[2] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

[3] Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Camilleri, U.S. Patent 4,662,808.

As for Claim 1, Camilleri discloses a method for attaching a fastener to a wallboard (Fig. 6-7), the fastener including a drivable anchor (20 in Fig. 1) and a pin (14 in Fig. 1), the method comprising:

Driving the anchor into the wallboard (Fig. 7); and

Inserting the pin into a channel of the anchor (Fig. 6), thereby causing a pivotable section of the anchor to pivot (Fig. 7) and come into contact an intersurface of the wallboard.

As for Claim 2, Camilleri teaches lever action between the pin and the pivotable section causes the pivotable section to pivot (58 in Fig.6-7).

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As for Claim 3, Camilleri shows a rack and pinion action between the pin and the pivotable section causes the pivotable section to pivot (58 in Fig. 6-7).

As for Claim 4, Camilleri reveals a pivotable section that pivots to a predetermined position relative to the wallboard (Fig. 7).

As for Claim 5, Camilleri illustrates a pin that has a round screw head (76 in Fig. 1).

As for Claim 6, Camilleri discloses a method wherein the pin has a threaded body (74 in Fig. 5).

As for Claim 7, Camilleri makes known an external cross-sectional profile of the anchor that is elongated (76-72 in Fig. 5).

As for Claim 8, Camilleri illustrates an internal cross-sectional profile of the channel that is elongated (62-56 in Fig. 2).

As for Claim 9, Camilleri shows an anchor including at least one stabilizing fin (66 in Fig. 2).

As for Claim 10, Camilleri discloses a fastener for use with a wallboard (Fig. 1, 6-7), comprising:

A drivable anchor (20 in Fig. 1) having at least one pivotable section (56 in Fig. 2); and

A pin configured to be inserted into a channel of the anchor so that the insertion of the pin causes the pivotable section of the anchor to pivot and come into contact an interior surface of the wallboard (Fig. 7).

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As for Claim 11, Camilleri teaches of a fastener configured so that a lever action between the pin and the pivotable section will cause the pivotable section to pivot (58 in Fig. 6-7).

As for Claim 12, Camilleri shows an anchor and pin configured so that a rack and pinion action between the pin and the pivotable section will cause the pivotable section to pivot (58 in Fig. 6-7).

As for Claim 13, Camilleri discloses a pivotable section configured to be pivoted to a predetermined position relative to the wallboard (Fig. 7).

As for Claim 14, Camilleri shows a pin that has a round screw head (76 in Fig. 1).

As for Claim 15, Camilleri shows a pin that has a threaded body (74 in fig. 5).

As for Claim 16, Camilleri reveals an external cross-sectional profile of the anchor that is elongated (76-72 in Fig. 5).

As for Claim 17, Camilleri illustrates an internal cross-sectional profile of the channel that is elongated (62-56 in Fig. 2).

As for Claim 18, Camilleri makes known an anchor that includes at least one stabilizing fin (66 in Fig. 2).

As for Claim 19, Camilleri reveals a drivable anchor (20 in Fig. 1), comprising at least one pivotable section (56 in Fig. 2), the pivotable section configured so that an insertion of the pin into a channel of the anchor causes the pivotable section of the anchor to pivot and come into contact an interior surface of the wallboard (Fig. 7).

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As for Claim 20, Camilleri discloses an anchor configured so that a lever action between the pin and the pivotable section will cause the pivotable section to pivot (58 in Fig. 6-7).

As for Claim 21, Camilleri shows an anchor configured so that a rack and pinion action between the pin and the pivotable section will cause the pivotable section to pivot (58 in Fig. 6-7).

As for Claim 22, Camilleri discloses a pivotable section configured to be pivoted to a predetermined position relative to the wallboard (Fig. 7).

As for Claim 23, Camilleri shows a pin that has a round screw head (76 in Fig. 1).

As for Claim 24, Camilleri makes known a pin that has a threaded body (74 in fig. 5).

As for Claim 25, Camilleri reveals an external cross-sectional profile of the anchor that is elongated (76-72 in Fig. 5).

As for Claim 26, Camilleri illustrates an internal cross-sectional profile of the channel that is elongated (62-56 in Fig. 2).

As for Claim 27, Camilleri makes known an anchor comprising at least one stabilizing fin (66 in Fig. 2).

As for Claim 28, Camilleri reveals an external cross-sectional profile of the anchor that is elongated (76-72 in Fig. 5).

As for Claim 29, Camilleri shows an anchor that is drivable (20 in Fig.1).

As for Claim 30, Camilleri illustrates an internal cross-sectional profile of the channel that is elongated (62-56 in Fig. 2).

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As for Claim 31, Camilleri shows an anchor that is drivable (20 in Fig.1).

As for Claim 32, Camilleri reveals an anchor having at least one pivotable section (58 in Fig. 6), the pivotable section configured so that a rack and pinion action between the pin and the anchor causes the pivotable section to pivot (58 in Fig. 7) and come into contact with an interior surface of the wallboard (Fig. 7) as the pin is inserted into a channel of the anchor (76 in Fig. 7).

### ***Conclusion***

**[4]** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remmers, U.S. Patent 6,494,653; Johnson, U.S. Patent 4,022,100; Gaudron, U.S. Patent US 2001/0046429 A1; Moretti et al, U.S. Patent 5,224,805; Eilenberger, U.S. Patent 3,550,499.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (703) 305-0590. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

David Reese

Assistant Examiner

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ROBERT J. SANDY  
PRIMARY EXAMINER